

Appl. No. **10/518,761**

Amdt. dated April. 29, 2010

Reply to Office action of Oct. 29, 2010

**REMARKS/ARGUMENTS**

The claims have been amended or canceled to overcome those claims cited as being indefinite or failing to particularly point out the invention. New dependent claims have been added to better define the invention.

As previously discussed with the examiner by telephone and confirmatory email the priority date of the present application is 23 June 2002 based on Australian Provisional Application PS 3093. The Office Action of the 29<sup>th</sup> October 2009 did acknowledge this foreign priority and receipt of ALL certified copies of the documentation. As such, TSAI (US 6 761 051) filed 27<sup>th</sup> Feb 2003 is not Prior Art. Furthermore NASSTROM (US 2005 0048863) filed Sept 2003 is not prior art.

We would argue that the basis for the examiner rejecting the previously submitted claim listing on the basis of obviousness/lack of novelty is incorrect.

While reserving the right to advance further arguments in response to any further notice by the examiner, we would like to make the following comments.

A patent has now been granted by the Australian Patent Office ( 2003240289) covering a broader claim set than the present application. A patent has also been granted by the UK Patent Office (GB2407962). Both patents derive from the same PCT application as the present application. The European Search report for Application EP1553854 (now abandoned) based on the same PCT sited the GREEN application as a category A document (background art). The Japanese Examiner ( Japanese Application 2004- 514425) has not issued any rejection on the basis of novelty or inventive step.

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The only relevant Prior Art cited by the European, Japanese, UK and Australian patent offices has been that disclosed in the original international search report:

- 1) JANKOWIAK US 44 7084 for explosively separable links for a parachute harness/ejector seat. Non of the other offices have considered this relevant to garment closures for items of clothing as in the context of the present application.
- 2) FREEMAN US 569 2275 for photonically activated closures.
- 3) NAKAMURA JP 2002 125722 electrically operable zip fasteners.
- 4) POSCHIK W 98/00041 zip fastener.

Please refer to Para [0009]-[0013], [0021], [0041] and [0043] in our previously submitted amended specification for our arguments against the above documents being relevant to the present invention. The International Search report including the above citations was received by your office. As agreed by you in our telephone interview an Information Disclosure Statement is not required for those documents already disclosed in an ISR. As a precaution we are forwarding an IDS listing the above documents.

Although presently probably a moot point in view of our objection to the use of TSAI, we would argue that GREEN in conjunction with TSAI still does not make the present invention obvious. The GREEN application discloses a garment held together by a lock. One undoes the lock allowing the garment to fall away. TSAI discloses an electronic padlock. Our application discloses a shared environment for use with a plurality of garment closure. This may be multiple closure on a single item of clothing, multiple closures across multiple items of clothing worn by one person or multiple closures across items of clothing worn by multiple people. A flexible means of identifying and addressing the individual closures is required (a prior art lock is usually associated with a readily identifiable object (eg garage door, front

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door, filing cabinet door) – garment closures do not have any formalized naming structure for particularly describing/selecting one from the other – until this invention one usually visually identified the closure to be undone and proceeds to manually undo it.

As known art closures are manually closed or opened, there has not been a need in the fashion industry to provide a naming convention for particularly identifying one closure from another. A shared environment of closures for remote activation requires such a system and we have devised several methods, including the following disclosed examples: Positional Description Means, Symbolic description means, Pulsed Count Description Means, Custom text Library, Standardised Vocal Library. We further disclose an Image Map means to facilitate identification of different closures. The use of a decorative LED or similar to provide unlocking codes is novel.

Prior art locks do not provide a means to publicly broadcast the code to activate them or they would lose their function of security. The use of electronic closures substantively different to known art electronic locks – the primary goal of which is to prevent unauthorised access. In the case of clothing it is preferable that the closures include a manual release that allows the wearer or someone else to manually open the lock (preferably on an unrestricted basis – eg no manual key required). Furthermore, one normally would not publicly advertise a code to open a lock for use in securing premises etc, where as in the case of garment closures it may be an integral part of the operation to make the codes readily accessible (eg a garment closure may a) flash an attached led as disclosed for Pulsed illumination Count Means (PICM) or b) display an image of the button that needs to be pushed to operate said closure (eg the disclosed closure with an image of 2 pink hearts).

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There is no disclosure of electrically operable closure designed to push apart when released to facilitate part of two garment parts. A method of protecting electronic locks during washing is required and disclosed.

We would argue that the system of closure we claim is novel despite the previously cited "Prior Art" . Small closures that do not interfere with normal wear are disclosed (eg electrically operable button. Allowance is made for closures being washed. Multiple methods for practically identifying are identified together with multiple novel ways of signaling the closure to activate. This is not a system readily apparent to one reading the GREEN application even together with other cited art.

Argument Claim 91: Our description discloses a method for preventing water entering moisture sensitive parts of the garment closures – important for the present application and novel for an electrically operable latch/lock/closure suitable for use with clothing.

Argument for Claim 116 novel as facilitate two parts separating. An important part of remote controlled undressing the is seeing parts of a garment separate/undo. The effect is subdued at least if the latch undoes however the parts of the garment remain proximal. This is not a requirement for known art locks that might be suitable for use as garment closure.

The examiner has rejected Claim 68 on the basis that it is the users choice on what basis they decide to unlock a closure. We argue that this is a misinterpretation of Claim 68 that has been modified to clearly emphasize that it is computer determination of whether or not a lock closure opens on the basis of progress of the game. We disclose electronic games that implicitly provide progress information to a computer. Prior to our application there has not

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been any disclosure for a shared environment for multiple closures and as a result obviously no disclosure for a shared environment of closures linked to the progress of a game. This is also the view of other patent offices. The method of using computer processing of results of a game to control closures is also novel. The FREEMAN patent does not use a computer to control the closure sequencing – this is a mental decision made by the person operating the photonic gun. Claims 119 and 120 further clarify the use of games to facilitate opening of closures.

We would also argue that the system of closure of the present application are novel and that the attachment of illuminable devices to said closures is novel. The application also discloses the use of the illuminable devices to transfer information for use in determining input information for the control device.

Yours Sincerely

/John Philip GRIFFITS/  
John Philip GRIFFITS

Date April 29<sup>th</sup> 2010.

/Yvonne Sylvia GRIFFITS/  
Yvonne Sylvia GRIFFITS

Date April 29<sup>th</sup> 2010.